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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/801,442	03/07/2001	Peter O. Schmidt	HELLO-08601	7111

28960 7590 03/18/2003  
HAVERSTOCK & OWENS LLP  
162 NORTH WOLFE ROAD  
SUNNYVALE, CA 94086

EXAMINER
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TRAN, SINH N

ART UNIT	PAPER NUMBER
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2643

DATE MAILED: 03/18/2003

21

Please find below and/or attached an Office communication concerning this application or proceeding.

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# Office Action Summary

Application No.

09/801,442

Applicant(s)

PETER SCHMIDT

107

Examiner

Sinh Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 03 September 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-11 and 13-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-7,9-11,13 and 15-20 is/are rejected.
- 7) ☒ Claim(s) 3,8 and 14 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 711 & 11
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 5 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

It is unclear how the electronic device relates to other elements in the claim.

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 2, 6-7, 13, 15 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over McCormick (5,465,421) in view of Blackman (6,071,142).

Regarding claims 1, 15 and 20, McCormick discloses a headphone connector having (32) having a circular plug (46) to a headphone connector interface having a corresponding jack (44). McCormick fails to disclose a support element for securing the plug to the jack so that the connector cannot move or rotate. Blackman teaches the use of a support element (10) having a

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receptacle (30) for securing or preventing a plug (19) from being inadvertently pulled from the socket (move from the socket). It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a support element as taught by Blackman to the electronic device of McCormick to retain the plug to the jack from inadvertently pulled (move) from the socket.

Regarding claims 2, 6-7 and 13, the combination of McCormick in view of Blackman further discloses that the support element having a first and second sides (14 of Blackman) extending perpendicular to the receptacle.

3. Claims 1, 4, 6-7, 9, 11, 15, 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over McCormick (5,465,421) in view of Olsen (4,045,108).

Regarding claims 1, 4, 6-7, 9, 15 and 18-20, McCormick discloses a headphone connector (32) having a circular plug (46) connected to a headphone connector interface having a corresponding jack (44) or an electronic device. McCormick fails to disclose a support element for securing the plug to the jack so that the connector cannot move or rotate. Olsen teaches the use of a flexible (spring type synthetic resin) support element (10) having a receptacle (20, 21) for securing or preventing a plug (40) from being inadvertently pulled from the socket (plug moves from the socket). It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a support element as taught by Olsen to the electronic device of McCormick to retain the plug to the jack from inadvertently pulled (move) from the socket.

Regarding claims 11 and 17, the combination of McCormick in view of Olsen further teaches screwing the support element to the electronic device rather than using adhesive.

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However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use adhesive in place of the screw since they are functionally equivalent.

4. Claims 1, 2, 5-7, 10, 13, 15, 16 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over McCormick (5,465,421) in view of Becerra (6,095,846).

Regarding claims 1, 5, 15 and 20, McCormick discloses a headphone connector having (32) having a circular plug (46) to a headphone connector interface having a corresponding jack (44). McCormick fails to disclose a support element integrally formed within the device (device with the corresponding jack) for securing the plug to the jack so that the connector cannot move or rotate. Becerra teaches the use of a support element (10) integrally formed within the device (36, 39) having a receptacle (26 or 27) for securing or preventing a plug (19) from being inadvertently pulled from the socket. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a support element as taught by Becerra to the electronic device of McCormick to retain the plug to the jack from inadvertently pulled (move) from the socket.

Regarding claims 2, 6-7 and 13, the combination of McCormick in view of Becerra further discloses that the support element having a first and second sides (15, 16 in Becerra) extending perpendicular to the receptacle.

Regarding claims 10 and 16, the combination of McCormick in view of Becerra further discloses a thread hole portion (28 in Becerra) and a screw (29).

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***Allowable Subject Matter***

5. Claims 3, 8 and 14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sinh Tran whose telephone number is (703) 305-4040. The examiner can normally be reached on M,T&Th 9:00AM-7:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on (703) 305-4708. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

**Any response to this action should be mailed to:**

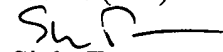
Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to:**

(703) 872-9314, for formal communications intended for entry and for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

  
Sinh Tran  
Primary Examiner  
Art Unit 2643

st  
March 12, 2003